

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: NATIONAL FOOTBALL
LEAGUE PLAYERS' CONCUSSION
INJURY LITIGATION

No. 12-md-2323 (AB)

MDL No. 2323

THIS DOCUMENT RELATES TO:

Plaintiffs' Master Administrative Long-
Form Complaint and:

Robert Holt, et al. v. National Football
League, et al. (Plaintiff Tony
Galbreath ONLY)

Court File No. 2:12-cv-04185-AB

**PETITION TO ESTABLISH
ATTORNEY'S LIEN**

Petitioner, Brian C. Gudmundson for Zimmerman Reed LLP ("Zimmerman Reed"), pursuant to Minn. Stat. § 481.13 and pursuant to the executed Agreement for Legal Services section titled "Termination" petitions and states as follows:

1. Petitioner is an attorney at law admitted to practice before the courts of Minnesota and files this Petition to establish a lien for attorney's fees as set forth hereinafter.

2. On or about May 15, 2012, Plaintiff, Tony Galbreath, retained Zimmerman Reed pursuant to an agreement for legal services, to pursue a claim for injuries and damages allegedly caused by the National Football League's conduct associated with football-related concussions, head, and brain injuries.

3. Regarding attorneys' fees, the agreement for legal services states, among other things: If no recovery (by settlement or trial) is obtained client will not owe a legal

fee. If Zimmerman Reed obtains a settlement or judgment for Client, Client will pay to Zimmerman Reed twenty percent (20%) of the gross recovery plus reimbursement of expenses.

4. When Zimmerman Reed entered into a contract with Plaintiff, it entered into the risk and expense of the litigation before any settlement discussion had been held. Pursuant to this agreement, Zimmerman Reed filed a Complaint on Plaintiff's behalf on July 23, 2012, which is the subject of the instant action.

5. From the date Plaintiff authorized Zimmerman Reed to proceed on his behalf, Zimmerman Reed actively and diligently investigated, prepared, and pursued Plaintiff's claims, and took all steps necessary to prosecute those claims, including, but not limited to, the preparation and filing of complaints, correspondence and communications with the client, preparation and review of clients factual and legal circumstances, retaining experts, drafting and providing client updates, analyzing Plaintiff's medical status and need for medical testing, obtaining medical testing through the Baseline Assessment Program, and more.

6. During the litigation, Zimmerman Reed partner, Charles S. Zimmerman, served on the Plaintiffs' Steering Committee, which has inured to the Plaintiff's benefit.

7. The Plaintiff has retained new counsel to represent him in this action, which Plaintiff communicated to the Claims Administrator, and which the Claims Administrator communicated to Zimmerman Reed.

8. Plaintiff did not terminate Zimmerman Reed due to any malfeasance or other improper action.

9. Zimmerman Reed claims the right to have a lien for attorneys' fees and expenses established and enforced upon any sums to be derived from any settlement or judgment obtained or to be obtained by Plaintiff in this action.

WHEREFORE, the Petitioner prays:

1. That an attorney's lien be established;
2. That the amount of the lien be determined;
3. That the Court order that Zimmerman Reed be entitled to enforce an attorney's lien against the proceeds to be derived from any settlement or judgment in this action;
4. That the Defendant or the Defendant's insurer be prohibited from paying to the Plaintiff any sums of money until said lien has been satisfied; and
5. For such other further relief as this Court deems just.

Dated: May 12, 2022

Respectfully submitted,

ZIMMERMAN REED LLP

s/ Brian C. Gudmundson

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CERTIFICATE OF SERVICE

I hereby certify that I caused the foregoing Petition to Establish Attorney's Lien to be served via the Electronic Case Filing (ECF) system in the United States District Court for the Eastern District of Pennsylvania, on all parties registered for CM/ECF in the litigation.

Dated: May 12, 2022

ZIMMERMAN REED LLP

s/ Brian C. Gudmundson

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